

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|------------------------------------|---|------------------------|
| NIPPON SHINYAKU CO., LTD., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 21-1015 (GBW) |
| |) | |
| SAREPTA THERAPEUTICS, INC., |) | |
| |) | |
| Defendant. |) | |
| <hr/> | | |
| SAREPTA THERAPEUTICS, INC. and THE |) | |
| UNIVERSITY OF WESTERN AUSTRALIA, |) | |
| |) | |
| Defendant/Counter-Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| NIPPON SHINYAKU CO., LTD. |) | |
| and NS PHARMA, INC. |) | |
| |) | |
| Plaintiff/Counter-Defendants. |) | |

**SAREPTA THERAPEUTICS, INC. AND THE UNIVERSITY
OF WESTERN AUSTRALIA’S MOTION TO
BIFURCATE AND STAY ANTITRUST COUNTERCLAIM**

Sarepta Therapeutics, Inc. and The University of Western Australia hereby move pursuant to Fed. R. Civ. P. 42(b) to bifurcate and stay all proceedings, including discovery and trial, as to Count XI of Nippon Shinyaku Co. Ltd. and NS Pharma, Inc.’s Counterclaims (D.I. 344) alleging Walker Process Fraud. The grounds for this motion are more fully set forth in the opening brief, filed herewith.

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RULE 7.1.1 STATEMENT

Pursuant to D. Del. LR 7.1.1, counsel for Sarepta Therapeutics, Inc. and The University of Western Australia states that reasonable efforts, including verbal communication between Delaware counsel, were made to reach agreement with Nippon Shinyaku Co. Ltd. and NS Pharma, Inc. on the subject of this motion, but the parties were unable to reach agreement.

/s/ Megan E. Dellinger

Megan E. Dellinger (#5739)

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 5, 2023, upon the following in the manner indicated:

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